

(Stipulating Parties Listed on Signature Pages)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:

**STIPULATION AND [PROPOSED]
ORDER REGARDING SPECIAL
MASTER'S MAY 2, 2013 REPORT
AND RECOMMENDATION ON
MOTIONS TO DISMISS DIRECT
ACTION COMPLAINTS**

Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;

Stoebner, et al. v. LG Electronics, et al., No. 11-cv-05381;

Siegel v. Hitachi, Ltd., et al., No. 11-cv-05502;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,
No. 11-cv-05513;

Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;

Interbond Corporation of America v. Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi Ltd., et al.,
No. 11-cv-06276:

CompuCom Systems, Inc. v. Hitachi, Ltd., et al., No. 11-cv-06396;

Costco Wholesale Corporation v. Hitachi, Ltd., et al., No. 11-cv-06397;

P.C. Richard & Son Long Island Corporation, et al., v. Hitachi, Ltd., et al., No. 12-cv-02648;

*Schultze Agency Services, LLC, et al. v.
Hitachi, Ltd., et al., No. 12-cv-02649.*

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**STIPULATION AND [PROPOSED] ORDER
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Case No. 07-5944
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1 WHEREAS, on August 17, 2012, the undersigned Defendants jointly moved to dismiss
 2 various claims asserted in the complaints filed by Direct Action Plaintiffs (“DAPs”) (Dkt. Nos.
 3 1317 & 1318);

4 WHEREAS, on August 17, 2012, Defendants Samsung Electronics Co., Ltd. and
 5 Samsung Electronics America, Inc. (collectively the “Samsung Electronics Defendants”) filed a
 6 separate motion to dismiss DAPs’ claims against those Defendants (Dkt. No. 1316);

7 WHEREAS, on August 17, 2012, Defendants Koninklijke Philips Electronics N.V. and
 8 Philips Electronics North America Corporation (collectively the “Philips Defendants”) filed a
 9 separate motion to dismiss DAPs’ claims against those Defendants (Dkt. No. 1319), which
 10 Defendants LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics Taiwan Taipei
 11 Co. (collectively the “LG Electronics Defendants”) joined on August 20, 2012 (Dkt. 1320);

12 WHEREAS, on September 28, 2012, DAPs filed papers opposing the Motions to Dismiss¹
 13 (Dkt. Nos. 1382, 1383, and 1384; *see also* Dkt. No. 1387);

14 WHEREAS, on October 26, 2012, Defendants filed reply papers in support of the Motions
 15 to Dismiss (Dkt. Nos. 1418, 1419, 1420, 1421, and 1422);

16 WHEREAS, on February 14, 2013, Special Master Charles A. Legge heard argument on
 17 the Motions to Dismiss;

18 WHEREAS, on May 2, 2013, Special Master Legge issued a Report and Recommendation
 19 Regarding the Motions to Dismiss (Dkt. No. 1664) (“R&R”);

20 WHEREAS, the Motions to Dismiss and subsequent R&R cover a large number of legal
 21 issues that span both DAPs’ federal claims and claims brought under the laws of 17 different
 22 states;

23
 24
 25 As used herein, the term “Motions to Dismiss” refers collectively to the three motions
 26 Defendants filed on August 17, 2012. Defendants sought judgment on the pleadings as to the
 27 complaint in *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Dkt. No.
 5) (Mar. 10, 2011), as Defendants have already filed answers to that complaint. For ease of
 reference and consistency with Special Master Legge’s approach, this Stipulation refers to the
 three motions as “Motions to Dismiss.”

WHEREAS, Defendants and DAPs (collectively “the Parties”) intend to move to adopt or object to various portions of the R&R;

WHEREAS, the Parties desire to set forth a streamlined process for moving to adopt and objecting to the R&R that will avoid simultaneous, competing briefing on the same issues.

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the DAPs and counsel for the Defendants in the above-captioned actions, as follows:

FORM OF BRIEFING

1. The Parties shall file position statements as set forth below. The position statements shall be short and non-argumentative.

2. Opening briefs will be limited to arguments in support of objections to portions of the R&R;

3. Arguments in support of adopting portions of the R&R will be reserved for the Parties' responsive briefs.²

BRIEFING SCHEDULE

1. The Parties' position statements will be filed on or before May 16, 2013;
2. The Parties' opening briefs will be filed on or before May 31, 2013;
3. Responsive briefs will be filed on or before June 28, 2013;
4. Reply briefs will be filed on or before July 26, 2013.

POSITION STATEMENTS

The Parties shall set forth their positions on the portions of the R&R to which they intend to object, and which portions of the R&R they intend to move to adopt. To the extent the Parties' position statements indicate that they intend to move to adopt a specific portion of the R&R, that will be deemed a "motion to adopt" under the Court's orders setting forth the procedure for moving to adopt a report and recommendation of the Special Master (*see, e.g.*, Dkt. Nos. 302,

² The Parties may file separate briefs to address the discrete issues raised in (i) the Defendants' joint Motion to Dismiss, (ii) the Samsung Electronics Defendants' Motion to Dismiss, and (iii) the Philips Defendants' and LG Electronics Defendants' Motions to Dismiss.

1 446, 1298); the Parties need not file a separate motion to adopt, and instead may address
2 arguments in support of adopting portions of the R&R in their respective responsive briefs.

3 ***

4 The undersigned Parties jointly and respectfully request that the Court enter this
5 stipulation as an order.

6
7 Dated: May 8, 2013

O'MELVENY & MYERS LLP

8 By: /s/ Ian Simmons
9 IAN SIMMONS (*pro hac vice*)
Email: isimmons@omm.com
10 BENJAMIN G. BRADSHAW (SBN 189925)
Email: bbradshaw@omm.com
11 KEVIN D. FEDER (SBN 252347)
Email: kfeder@omm.com
O'MELVENY & MYERS LLP
12 1625 Eye Street, NW
Washington, DC 20006
13 Telephone: (202) 383-5300
Facsimile: (202) 383-5414

14
15 *Attorneys for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*

16
17 WINSTON & STRAWN LLP

18 By: /s/ Jeffrey L. Kessler
19 JEFFREY L. KESSLER (*pro hac vice*)
E-mail: JKessler@winston.com
20 A. PAUL VICTOR (*pro hac vice*)
E-mail: PVictor@winston.com
ALDO A. BADINI (SBN 257086)
E-mail: ABadini@winston.com
21 EVA W. COLE (*pro hac vice*)
E-mail: EWCole@winston.com
MOLLY M. DONOVAN
E-mail: MMDonovan@winston.com
WINSTON & STRAWN LLP
22 200 Park Avenue
New York, NY 10166
23 Telephone: (212) 294-6700
Facsimile: (212) 294-4700

24
25 STEVEN A. REISS (*pro hac vice*)
E-mail: steven.reiss@weil.com
DAVID L. YOHAI (*pro hac vice*)
E-mail: david.yohai@weil.com

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1 ADAM C. HEMLOCK (*pro hac vice*)
2 E-mail: adam.hemlock@weil.com
3 **WEIL, GOTSHAL & MANGES LLP**
4 767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

5 *Attorneys for Defendants Panasonic Corporation (f/k/a*
6 *Matsushita Electric Industrial Co., Ltd.), Panasonic*
7 *Corporation of North America, MT Picture Display*
Co., Ltd.

8 MORGAN, LEWIS & BOCKIUS LLP

9 By: /s/ Kent M. Roger _____
10 KENT M. ROGER (SBN 95987)
E-mail: kroger@morganlewis.com
11 MICHELLE PARK CHIU (SBN 248421)
E-mail: mchiu@morganlewis.com
One Market, Spear Street Tower
12 San Francisco, California 94105-1126
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

13 J. CLAYTON EVERETT, JR. (*pro hac vice*)
E-mail: jeverett@morganlewis.com
14 SCOTT A. STEMPPEL (*pro hac vice*)
E-mail: sstempel@morganlewis.com
15 **MORGAN, LEWIS & BOCKIUS LLP**
16 111 Pennsylvania Avenue, NW
Washington, DC 20004
17 Telephone: (202) 739-3000
Facsimile: (202) 739-3001

18 *Attorneys for Defendants Hitachi, Ltd., Hitachi*
19 *Displays, Ltd. (n/k/a Japan Display East, Inc.), Hitachi*
20 *Asia, Ltd., Hitachi America, Ltd., and Hitachi*
21 *Electronic Devices (USA), Inc.*

22 MUNGER, TOLLES & OLSON LLP

23 By: /s/ Hojoon Hwang _____
HOJOON HWANG (SBN 184950)
24 E-mail: Hojoon.Hwang@mto.com
560 Mission Street, Twenty-Seventh Floor
25 San Francisco, California 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

26 WILLIAM D. TEMKO (SBN 098858)
E-mail: William.Temko@mto.com

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1 JONATHAN E. ALTMAN (SBN 170607)
2 E-mail: Jonathan.Altman@mto.com
3 BETHANY W. KRISTOVICH (SBN 241891)
4 E-mail: Bethany.Kristovich@mto.com
5 **MUNGER, TOLLES & OLSON LLP**
6 355 South Grand Avenue, Thirty-Fifth Floor
7 Los Angeles, CA 90071-1560
8 Telephone: (213) 683-9100
9 Facsimile: (213) 687-3702

10 *Attorneys for Defendants LG Electronics, Inc.; LG, LG
11 Electronics USA, Inc.; and LG Electronics Taiwan
12 Taipei Co., Ltd.*

13 SHEPPARD MULLIN RICHTER & HAMPTON

14 By: /s/ Gary L. Halling
15 GARY L. HALLING (SBN 66087)
16 E-mail: ghalling@sheppardmullin.com
17 JAMES L. MCGINNIS (SBN 95788)
18 E-mail: jmcmcinnis@sheppardmullin.com
19 MICHAEL W. SCARBOROUGH (SBN 203524)
20 E-mail: mscarbrough@sheppardmullin.com
21 **SHEPPARD MULLIN RICHTER & HAMPTON**
22 Four Embarcadero Center, 17th Floor
23 San Francisco, California 94111
24 Telephone: (415) 434-9100
25 Facsimile: (415) 434-3947

26 *Attorneys for Defendants Samsung SDI America, Inc.;
27 Samsung SDI Co., Ltd.; Samsung SDI (Malaysia) SDN.
28 BHD.; Samsung SDI Mexico S.A. DE C.V.; Samsung
SDI Brasil Ltda.; Shenzhen Samsung SDI Co., Ltd. and
Tianjin Samsung SDI Co., Ltd.*

19 WHITE & CASE LLP

20 By: /s/ Lucius B. Lau
21 CHRISTOPHER M. CURRAN (*pro hac vice*)
22 E-mail: ccurran@whitecase.com
23 LUCIUS B. LAU (*pro hac vice*)
24 E-mail: alau@whitecase.com
25 DANA E. FOSTER (*pro hac vice*)
26 E-mail: defoster@whitecase.com
27 **WHITE & CASE LLP**
28 701 Thirteenth Street, N.W.
Washington, DC 20005
Telephone: (202) 626-3600
Facsimile: (202) 639-9355

29 *Attorneys for Defendants Toshiba Corporation,
Toshiba America Information Systems, Inc., Toshiba*

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*America Consumer Products, L.L.C., and Toshiba
America Electronic Components, Inc.*

BAKER BOTTS LLP

By: /s/ Jon V. Swenson
JON V. SWENSON (SBN 233054)
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA 94304
Telephone: (650) 739-7500
Facsimile: (650) 739-7699
E-mail: jon.swenson@bakerbotts.com

JOHN M. TALADAY (*pro hac vice*)
E-mail: john.taladay@bakerbotts.com
JOSEPH OSTOYICH (*pro hac vice*)
E-mail: joseph.ostoyich@bakerbotts.com
BAKER BOTTS LLP
1299 Pennsylvania Ave., N.W.
Washington, DC 20004-2400
Telephone: (202) 639-7700
Facsimile: (202) 639-7890

Attorneys for Defendants Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass
Rachel S. Brass (SBN 219301)
Email: rbrass@gibsondunn.com
Joel S. Sanders (SBN 107234)
Email: jsanders@gibsondunn.com
Austin V. Schwing (SBN 211696)
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, California 94105
Tel: (415) 393-8200
Fax: (415) 393-8306

Attorneys for Defendant Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) as to the Target Am. Compl., P.C. Richard Compl., Tweeter Compl., CompuCom Compl., Interbond Compl., Costco Compl., Office Depo Compl. and Best Buy Compl. only

PERKINS COIE LLP

By: /s/ David J. Burman

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1 DAVID J. BURMAN (*pro hac vice*)
2 Email: DBurman@perkinscoie.com
3 CORI G. MOORE (*pro hac vice*)
4 Email: CGMoore@perkinscoie.com
5 ERIC J. WEISS (*pro hac vice*)
6 Email: EWeiss@perkinscoie.com
7 NICHOLAS H. HESTERBERG (*pro hac vice*)
8 Email: NHesterberg@perkinscoie.com
9 **PERKINS COIE LLP**
10 1201 Third Avenue, Suite 4900
11 Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

12 JOREN BASS (Bar No. 208143)
Email: JBass@perkinscoie.com
13 **PERKINS COIE LLP**
14 Four Embarcadero Center, Suite 2400
15 San Francisco, CA 94111-4131
16 Telephone: 415.344.7120
17 Facsimile: 415.344.7320

18 *Attorneys for Plaintiff Costco Wholesale Corporation*

19 BOIES, SCHILLER & FLEXNER LLP

20 By: /s/ Philip J. Iovieno
21 PHILIP J. IOVIENO
22 Email: piovieno@bsfllp.com
23 ANNE M. NARDACCI
24 Email: anardacci@bsfllp.com
25 **BOIES, SCHILLER & FLEXNER LLP**
26 10 North Pearl Street, 4th Floor
27 Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665

28 WILLIAM A. ISAACSON
Email: wisaacson@bsfllp.com
JENNIFER MILICI
Email: jmilici@bsfllp.com
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131

STUART SINGER
Email: ssinger@bsfllp.com
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 356-0011

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1 Facsimile: (954) 356-0022

2 *Liaison Counsel for Direct Action Plaintiffs and*
3 *Attorneys for Plaintiffs Electrograph Systems, Inc.,*
4 *Electrograph Technologies, Corp., Office Depot, Inc.,*
5 *Compucom Systems, Inc., Interbond Corporation of*
6 *America, P.C. Richard & Son Long Island*
7 *Corporation, Marta Cooperative of America, Inc., ABC*
8 *Appliance, Inc., Schultze Agency Services LLC on*
9 *behalf of Tweeter Opc, LLC and Tweeter Newco, LLC*

10 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

11 By: /s/ Roman M. Silberfeld
12 ROMAN M. SILBERFELD (SBN 62783)
13 Email: RMSilberfeld@rkmc.com
14 DAVID MARTINEZ (SBN 193183)
15 Email: DMartinez@rkmc.com
16 **ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**
17 2049 Century Park East, Suite 3400
18 Los Angeles, CA 90067-3208
19 Telephone: (310) 552-0130
20 Facsimile: (310) 229-5800

21 *Attorneys For Plaintiffs Best Buy Co., Inc, Best Buy*
22 *Purchasing LLC, Best Buy Enterprise Services, Inc.,*
23 *Best Buy Stores, L.P., Bestbuy.com, L.L.C., and*
24 *Magnolia Hi-Fi, LLC*

25 SUSMAN GODFREY L.L.P.

26 By: /s/ Kenneth S. Marks
27 H. LEE GODFREY
28 Email: lgodfrey@sumangodfrey.com
29 KENNETH S. MARKS
30 Email: kmarks@susmangodfrey.com
31 JONATHAN J. ROSS
32 Email: jross@susmangodfrey.com
33 JOHNNY W. CARTER
34 Email: jcarter@susmangodfrey.com
35 DAVID M. PETERSON
36 Email: dpeterson@susmangodfrey.com
37 **SUSMAN GODFREY L.L.P.**
38 1000 Louisiana Street, Suite 5100
39 Houston, Texas 77002
40 Telephone: (713) 651-9366
41 Facsimile: (713) 654-6666

42 PARKER C. FOLSE III
43 Email: pfolse@susmangodfrey.com
44 RACHEL S. BLACK
45 Email: rblack@susmangodfrey.com

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1 JORDAN CONNORS
2 Email: jconnors@susmangodfrey.com
3 **SUSMAN GODFREY L.L.P.**
4 1201 Third Avenue, Suite 3800
Seattle, Washington 98101-3000
Telephone: (206) 516-3880
Facsimile: (206) 516-3883

5 *Attorneys for Plaintiff Alfred H. Siegel, as Trustee of*
the Circuit City Stores, Inc. Liquidating Trust
6

7 CROWELL & MORING LLP

8 By: /s/ Jason C. Murray
9 JASON C. MURRAY (CA Bar No. 169806)
Email: jmurray@crowell.com
10 **CROWELL & MORING LLP**
515 South Flower St., 40th Floor
Los Angeles, CA 90071
Telephone: (213) 443-5582
Facsimile: (213) 622-2690
11

12 JEROME A. MURPHY (*pro hac vice*)
13 E-mail: jmurphy@crowell.com
ASTOR H.L. HEAVEN (*pro hac vice*)
14 Email: aheaven@crowell.com
15 **CROWELL & MORING LLP**
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
16

17 *Counsel for Target Corp.*
18

19 KENNY NACHWALTER, P.A.

20 By: /s/ Richard Alan Arnold
21 RICHARD ALAN ARNOLD
Email: rarnold@knpa.com
22 WILLIAM J. BLECHMAN
Email: wblechman@knpa.com
KEVIN J. MURRAY
23 Email: kmurray@knpa.com
24 **KENNY NACHWALTER, P.A.**
201 S. Biscayne Blvd., Suite 1100
Miami, FL 33131
Tel: (305) 373-1000
Fax: (305) 372-1861
25

26 *Counsel for Plaintiff Sears, Roebuck and Co. and*
Kmart Corp.
27

1 LINDQUIST & VENNUM P.L.L.P.
2

3 By: /s/ Jessica L. Meyer _____
4 Jessica L. Meyer (SBN: 249064)

5 Email: jmeyer@lindquist.com
James M. Lockhart (*pro hac vice*)

6 Email: jlockhart@lindquist.com
James P. McCarthy (*pro hac vice*)

7 Email: jmccarthy@lindquist.com
Kelly G. Laudon (*pro hac vice*)

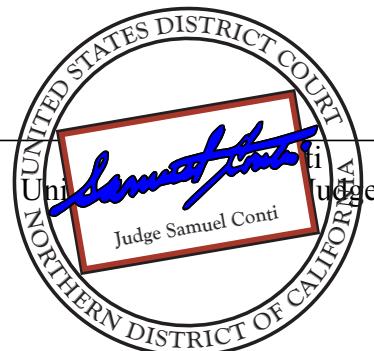
8 Email: klaudon@lindquist.com
LINDQUIST & VENNUM P.L.L.P.

9 4200 IDS Center
10 80 South Eighth Street
11 Minneapolis, MN 55402
12 Telephone: (612) 371-3211
13 Facsimile: (612) 371-3207

14
15 *Attorneys for Plaintiffs John R. Stoebner, as Chapter 7
Trustee for PBE Consumer Electronics, LLC and
Related Entities; and Douglas A. Kelley, as Chapter 11
Trustee for Petters Company, Inc. and Related Entities,
and as Receiver for Petters Company, LLC and Related
Entities*

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: 05/09/2013



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